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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,221	09/24/2003	Bart Flores JR.	M-16026 US	8229

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EXAMINER
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NGUYEN, LEE

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/671,221

Applicant(s)

FLORES, BART

Examiner

LEE NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

This action is responsive to the communication filed 04/18/2006.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe (US 2002/0137537) in view of Hughes et al. (US 6,625,425).

Regarding claim 1, Watanabe teaches a cellular telephone (figs. 1-4), comprising:  
a front portion (item 4, fig. 3, item 14, fig. 4);  
a detachable back cover 6 comprising a mirror 18,  
wherein the mirror 18 is exposed when the back cover 6  
is detached (see fig. 4); and  
a release mechanism 15, 16 for detaching the back

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cover 6 (see fig. 4). Watanabe fails to teach that the mirror is directly facing and adjacent to a SIM card when the back cover is closed. In the same field of Watanabe, Hughes teaches a cellular phone in which the back cover 212 (fig. 2) covers and directly faces an adjacent SIM card 204 when the back cover 212 is closed (fig. 2, col. 3, line 19 through col. 4, line 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Hughes to the cellular phone of Watanabe so that the user can easily open the back cover for the purpose of replacing another SIM card.

Regarding claim 2, Watanabe also teaches that the back cover 6 has approximately the same length and height as the cellular telephone 2, and wherein the mirror 18 is approximately the same size as or slightly smaller than the back cover 6 (see fig. 4).

Regarding claim 3, Watanabe also teaches that the mirror 18 faces inward toward the cellular telephone 2 when the back cover 6 is not detached (see figs. 1 and 4).

Regarding claim 8, Watanabe also teaches comprising a hinge 10 attaching the front portion to the back cover 20 (fig. 3).

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Regarding claim 11, Watanabe also teaches that the release mechanism is a latch 15 (fig. 4).

Regarding claim 12, Watanabe also teaches that the mirror 18 is approximately the same shape as the back cover 6 (fig. 4).

Claims 4, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Hughes et al. as applied to claim 1 above and further in view of Leon et al. (US 5,896,277).

Regarding claims 4 and 10, Watanabe fails to teach that the back cover is slidably detachable. But Leon teaches that the back cover 10 is slidably detachable (see figs. 2-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Leon with Watanabe in order to simplify cover removal.

Regarding claim 7, the claim is interpreted and rejected for the same reason as set forth in claim 4 in which Leon also teaches that the back cover 10 can be completely removed from the front portion 20 (fig. 3).

Claims 5-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Hughes et al. as applied to claim 1 above and further in view of Horne (US 5,983,083).

Regarding claim 5, Watanabe fails to teach that the back cover can be attached to the front portion by a clip. But Horne teaches that the back cover 22 can be attached to the front portion by a clip (see col. 4, lines 23-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Horne with Watanabe in order to provide an alternative mechanism when spring technique is not preferred.

Regarding claim 6, Watanabe also teaches that the Latch 15 is located on one of the four sides of the cellular telephone (see fig. 4).

Regarding claim 9, Watanabe fails to teach a spring mechanism coupling the front portion with the back cover. But Horne teaches a spring mechanism 70 coupling to the front portion with the back cover (col. 4, lines 16-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Horne with Watanabe in order to provide an alternative mechanism when spring technique is preferred.

***Response to Arguments***

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is 571-272-7854. The examiner can normally be reached on **FIRST FRIDAY OFF**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDERSON D. MATTHEW can be reached on 571-272-4177. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**LEE NGUYEN**  
**PRIMARY EXAMINER**